

STAND. COM. REP. NO. **2533**

Honolulu, Hawaii

FEB 27 2014

RE: S.B. No. 2352
S.D. 2

Honorable Donna Mercado Kim
President of the Senate
Twenty-Seventh State Legislature
Regular Session of 2014
State of Hawaii

Madam:

Your Committee on Judiciary and Labor, to which was referred
S.B. No. 2352, S.D. 1, entitled:

"A BILL FOR AN ACT RELATING TO PSYCHIATRIC FACILITIES,"

begs leave to report as follows:

The purpose and intent of this measure is to streamline the
notification process prior to the discharge of a patient civilly
committed. Specifically, this measure:

- (1) Requires the administrator or attending physician of a
psychiatric facility to provide notice of intent to
discharge a patient or patient's admission to voluntary
treatment;
- (2) Applies section 334-60.7, Hawaii Revised Statutes, to
only civil commitments as a direct result of legal
proceedings;
- (3) Requires the notice of intent to discharge or patient's
admission to voluntary treatment to be served by mail to
the appropriate prosecuting attorney and at the person's
last known address, unless the person waives this right
in writing;
- (4) Increases from three to five days the period of time
after mailing of the notice within which an objection
must be filed or the administrator or attending



physician shall discharge or accept the patient for voluntary inpatient treatment; and

- (5) Requires courts to conduct hearings within seventy-two hours, and prior to the termination of the current commitment order, to determine if the patient still meets the criteria for involuntary hospitalization.

Your Committee received testimony in support of this measure from the Department of Health; Healthcare Association of Hawaii; United Public Workers, AFSCME Local 646, AFL-CIO; The Queen's Health Systems; and one individual. Your Committee received comments on this measure from the Department of the Attorney General.

Your Committee finds that patients are remaining involuntarily committed to hospitals due to the difficulty of obtaining a court hearing and order, even after the patient is ready to be discharged. Your Committee further finds that while these patients remain involuntarily committed, hospitals are forced to use precious resources that could serve other patients in need. This measure streamlines the notification process prior to discharge of a patient civilly committed pursuant to criminal statutes, thereby allowing for a simplified discharge process, while safeguarding the right of individuals who require notification of the patient's discharge to object.

Your Committee has amended this measure by adopting the language suggested by the Department of the Attorney General to:

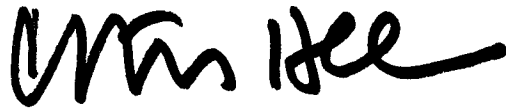
- (1) Clarify that the notice of intent to discharge and a certificate of service shall be filed with the family court and served by mail to the person's last known address and sent to the prosecuting attorney of the county from which the person was originally committed, by facsimile or electronically, for the sole purpose of victim notification;
- (2) Clarify that an objection can be filed within five calendar days;
- (3) Specify that a court is required to conduct a hearing as soon as possible, rather than within seventy-two hours, to determine if the patient still meets the criteria for involuntary hospitalization;



- (4) Require a person filing an objection to notify the psychiatric facility by telephone on the date of the filing of the objection;
- (5) Amend section 334-76, Hawaii Revised Statutes, to require an administrator of a psychiatric facility with respect to patients committed on court order from a criminal proceeding to send a notice of the intent to discharge or patient's admission to voluntary inpatient treatment by mail to the person's last known address and to the prosecuting attorney of the county from which the person was originally committed by facsimile or electronically; and
- (6) Make technical, nonsubstantive amendments for the purposes of clarity and consistency.

As affirmed by the record of votes of the members of your Committee on Judiciary and Labor that is attached to this report, your Committee is in accord with the intent and purpose of S.B. No. 2352, S.D. 1, as amended herein, and recommends that it pass Third Reading in the form attached hereto as S.B. No. 2352, S.D. 2.

Respectfully submitted on
behalf of the members of the
Committee on Judiciary and
Labor,

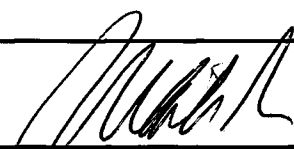


CLAYTON HEE, Chair



The Senate
Twenty-Seventh Legislature
State of Hawai'i

Record of Votes
Committee on Judiciary and Labor
JDL

Bill / Resolution No.:* <div style="font-size: 1.2em; font-family: cursive;">SB 2352 SD1</div>	Committee Referral: <div style="font-size: 1.2em; font-family: cursive;">HTH / CPN, JDL</div>	Date: <div style="font-size: 1.2em; font-family: cursive;">2/21/14</div>		
<input type="checkbox"/> The committee is reconsidering its previous decision on this measure. If so, then the previous decision was to: _____				
The Recommendation is: <div style="display: flex; justify-content: space-between; align-items: flex-start;"> <div style="text-align: center;"> <input type="checkbox"/> Pass, unamended 2312 </div> <div style="text-align: center;"> <input checked="" type="checkbox"/> Pass, with amendments 2311 </div> <div style="text-align: center;"> <input type="checkbox"/> Hold 2310 </div> <div style="text-align: center;"> <input type="checkbox"/> Recommit 2313 </div> </div>				
Members	Aye	Aye (WR)	Nay	Excused
HEE, Clayton (C)	✓			
SHIMABUKURO, Maile S.L. (VC)	✓			
GABBARD, Mike				✓
GALUTERIA, Brickwood	✓			
IHARA, Jr., Les	✓			
SOLOMON, Malama				✓
SLOM, Sam	✓			
TOTAL	5			2
Recommendation: <div style="display: flex; justify-content: space-around; margin-top: 10px;"> <input checked="" type="checkbox"/> Adopted <input type="checkbox"/> Not Adopted </div>				
Chair's or Designee's Signature: <div style="font-size: 1.5em; font-family: cursive; text-align: center; margin-top: 10px;">  </div>				
<div style="display: flex; justify-content: space-between; font-size: 0.8em;"> <div>Distribution:</div> <div>Original</div> <div>Yellow</div> <div>Pink</div> <div>Goldenrod</div> </div> <div style="display: flex; justify-content: space-between; font-size: 0.8em; margin-top: 5px;"> <div>File with Committee Report</div> <div>Clerk's Office</div> <div>Drafting Agency</div> <div>Committee File Copy</div> </div>				

*Only one measure per Record of Votes